

In the United States District Court
for the Eastern District of Pennsylvania

GRAPHIC STYLES/
STYLES INTERNATIONAL LLC
775 Second Street Pike, Suite 3R,
Southampton, Pennsylvania 18966

Civil Action No.

Plaintiff,

v.

SABATINI OF LONDON CO.

1515 Great Falls Street

McLean, Virginia

and

SIMONE ALINE COBB

4114 Londerry Drive

Jefferson, Maryland 21755

and

EZA EL DAK SABATINI

1515 Great Falls Street

McLean, Virginia 22101

and

SABATINI OF LONDON LLC

1515 Greatfalls Street, Unit 334

McLean, Virginia 22101

and

EZA E SABATINI

1515 Greatfalls Street, Unit 334

McLean, Virginia 22101

and

SABATINI CUSTOM TAILOR, LLC

7118 Murray Lane

Annandale, Virginia 22003

and

EZA SABATINI

7118 Murray Lane

Annandale, Virginia 22003

and

SABATINI OF LONDON, LLC

4445 Corporation Lane, Suite 259

Virginia Beach, Virginia 23462

and

**COMPLAINT FOR
COPYRIGHT
INFRINGEMENT**

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE

Attorney at Law
252 West Swamp Road, Suite 13
◊
Doylestown, Pennsylvania 18901
(215) 230-3761



IZAK SABATINI
7118 Murray Lane
Annandale, Virginia 22003
and
SUZI SABATINI
7118 Murray Lane
Annandale, Virginia 22003

Civil Action

Defendants.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Graphic Styles/Styles International, LLC by and through its counsel, on personal knowledge of its member as to its own actions and on information and belief as to the actions, capabilities and motivation of others, hereby alleges as follows:

NATURE OF THE CASE

1. Graphic Styles/Styles International LLC, ("Graphic Styles") brings this action to recover damages, expenses, and attorney fees arising from the willful infringement by Defendants, of Plaintiff's registered copyrights on valuable artistic drawings and graphic representations of men's and women's fashion clothing styles, and to obtain injunctive relief against Defendants to cease and desist their infringement and to prevent them from any further unlawful copying and infringement of Plaintiff's copyrights.
2. **In violation of the Copyright Act, 17 U.S.C. § 501, et seq.**, Defendants reproduced and displayed on their website they established and control, at least 36 separate drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff -the owner of all right, title, and interest in all copyrights covering the drawings and stylebooks- despite express copyright restrictions and prohibitions against infringement and unauthorized use prominently stated in the stylebooks.
3. **In violation of this Court's Order of October 27, 2016**, noting Defendants are PERMANENTLY ENJOINED from infringing in any manner, the copyrighted images belonging to Plaintiff, Defendants as serial copyright infringers continue to reproduce and display on their website they established and control, drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff -the owner of all right, title, and interest in all copyrights covering the drawings and stylebooks- despite an express Order from this Court.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ▽
Doylestown, Pennsylvania 18901
(215) 230-3761



THE PARTIES

4. **Graphic Styles** is a limited liability corporation with its principal place of business located at 775 Second Street Pike, Suite 3R, Southampton, Pennsylvania 18966. Graphic Styles, owns all title, right, interest, ownership, and subsidiary and intellectual property rights in all the federally registered copyrights covering the drawings and graphic representations of men's fashion clothing styles that Defendants copied, displayed, and transmitted on Defendants' infringing website. Graphic Styles develops, produces, sells, and distributes stylebooks containing copyrighted drawings and graphic representations of men's and women's fashion clothing styles and licenses the use of copyrighted drawings and graphic representations of men's and women's fashion clothing styles for promotional proposes such as websites, brochures, catalogs, placards and other advertising media.

5. Defendant **Sabatini of London, Co.**, is a duly registered Virginia for profit Business Corporation, formed February 18, 2015, with its principal place of business address and registered agent address of 1515 Great Falls Street, McLean, Virginia 22101, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website www.sabatinioflondon.com and through fittings made on its business premises. Exhibit "A".

6. Defendant **Simone Aline Cobb**, is an owner/director of Sabatini of London, Co., and does business as, operates, or otherwise controls Sabatini of London, Co. Simone Aline Cobb had the right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement. Exhibit "A".

7. Defendant **Eza El Dak Sabatini**, is an owner/director of Sabatini of London, Co., and does business as, operates, or otherwise controls Sabatini of London, Co. Eza El Dak Sabatini had the

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13
◊
Doylestown, Pennsylvania 18901
(215) 230-3761



right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement. Exhibit "A".

8. Defendant **Sabatini of London LLC**, is a duly registered Virginia Limited Liability Company, formed December 6, 2016, with its principal place of business and registered office address of 1515 Greatfalls Street, Unit 334, McLean, Virginia 22101, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website <www.sabatinioflondon.com> and through fittings made on its business premises. Exhibit "B".

9. Defendant **Eza E. Sabatini** is the registered agent and organizer of Sabatini of London LLC. Exhibit "B". Upon information and belief, Defendant **Eza E. Sabatini** is an owner/member of Sabatini of London LLC, and does business as, operates, or otherwise controls Sabatini of London LLC. **Eza E. Sabatini** had the right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement.

10. Defendant **Sabatini Custom Tailor, LLC** is a duly registered Virginia Limited Liability Company, formed April 11, 2019, with its principal office address where the records of the limited liability company are kept of 7118 Murray Lane, Annandale, Virginia 22003, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website <www.sabatinioflondon.com> and through fittings made on its business premises. Exhibit "C".

11. Defendant **Eza Sabatini** is an owner/member of Sabatini Custom Tailor, LLC, and does business as, operates, or otherwise controls Sabatini Custom Tailor, LLC. Eza Sabatini had the

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13
Doylestown, Pennsylvania 18901
(215) 230-3761



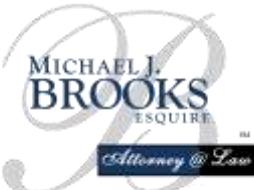
right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this Complaint, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement. During March 2020 Eza Sabatini requested an expedited filing of a Certificate of Cancellation of Sabatini Custom Tailor, LLC. Exhibit "D".

12. Defendant **Sabatini of London, LLC** is a duly registered Virginia Limited Liability Company, formed October 9, 2020, with its principal office address of 7118 Murray Lane, Annandale, Virginia 22003, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website <www.sabatinioflondon.com> and through fittings made on its business premises. Exhibit "E".

13. Upon information and belief, Defendant **Izak Sabatini** is an owner/member of Sabatini of London, LLC, and does business as, operates, or otherwise controls Sabatini of London, LLC. Eza Sabatini had the right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement. Exhibit "T".

14. Upon information and belief, Defendant **Suzi Sabatini** is an owner/member of Sabatini of London, LLC, and does business as, operates, or otherwise controls Sabatini of London, LLC. Eza Sabatini had the right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement. Exhibit "T".

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



JURISDICTION

15. This court has subject matter jurisdiction over Plaintiff's claims for unauthorized use and copyright infringement pursuant to 17 U.S.C. § 501.

VENUE

16. Venue lies in this court under 28 U.S.C. §§ 1391 and 1400 (a).

FACTS - THE COPYRIGHTED STYLEBOOKS

17. From about the 1950's until 2000, Graphic Fashions Inc., also known as Graphic Fashions International ("Graphic Fashions"), created, prepared, and published clothing stylebooks annually or semi-annually for use by tailors and manufacturers in the custom clothing industry ("preexisting material").

18. Each stylebook published by Graphic Fashions contained 160 to 260 artistic drawings and graphic representations of men's and women's fashion clothing styles: suits, jackets, trousers, vests, topcoats, tuxedos, pocket details, and measurements that Graphic Fashions had created.

19. Graphic Fashions also created several products (*i.e.*, postcards, counter cards, flyers) including customized stylebook catalogs, wherein, the requesting custom clothing business would select images for their own in-house style guide.

20. Graphic Fashions was known throughout the custom clothing industry for the exceptional quality and value of the artistic drawings and graphic representations in its stylebooks. Its images of fashion styles are unique in the industry and were not distributed or available from any other source except Graphic Fashions or Plaintiff, who was its exclusive licensee and copyright assignee.

21. Graphic Fashions registered its stylebooks as compilations under the Copyright Act, 17 U.S.C. § 103, which protects all the images in the stylebook from infringement.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ▽
Doylestown, Pennsylvania 18901
(215) 230-3761



22. Graphic Fashions displayed in its stylebooks the copyright notice, "© Copyright, Graphic Fashions Inc. Phila., PA", on the left-hand margin of each page containing one or more clothing style drawing.

23. Richard C. Ackourey, Jr. (Ackourey) is a member of Graphic Styles and has been in the custom clothing business since 1984, initially in retail, then with several custom tailor companies, and finally starting his own business, Ackourey Clothiers Incorporated, in 1996.

24. Working for one of the largest custom clothier companies which had contracted with Graphic Fashions to design custom stylebooks for their outlets, Ackourey became familiar with Graphic Fashions' illustrations.

25. Ackourey utilized Graphic Fashions' stylebooks in his custom clothier business, in meeting face to face with clients.

26. Graphic Fashions eventually downsized to publishing one stylebook a year, with its last stylebook being the 1999-2000 edition, thereafter, Ackourey met with the owner, John Garner (Garner).

27. At that time Garner was 86 years old and closing the business. Garner indicated no one is going to draw these works to his standards. Garner suggested no one was interested in pursuing the business, however, Ackourey believed it had potential, and expressed his interest in seeing the stylebooks continue.

28. Ackourey contacted the Fashion Institute of America in New York, went to Moore College of Art and various other art schools to seek out artists capable of meeting Garner's standards. Garner would critique the illustrations Ackourey would bring to him, finding them unsatisfactory for a stylebook.

29. Therefore, Garner decided to license to Ackourey rights to Garner's illustrations. On March

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 133
Doylestown, Pennsylvania 18901
◊
(215) 230-3761



15, 2003, Graphic Fashions granted Ackourey a license to reprint the images from the 1999-2000 Stylebook.

30. Through his efforts, Ackourey finally met Frank Grobelny, an artist who had previously done illustrations for Garner, and who started working with Ackourey. Grobelny sketched several illustrations for Ackourey for a 2013 stylebook.

31. In the meantime, Garner offers that if Ackourey wants to do anything further with Graphic Fashions' illustrations, Ackourey would have to seek legal counsel and draft any necessary documents. On January 5, 2004, Graphic Fashions expressly granted Ackourey, the exclusive rights, for the life of the copyrights, to reproduce all copyrighted works owned by Graphic Fashions, and to create derivatives of, display, distribute, and transmit copies of, its copyrighted works. Graphic Fashions also assigns to Ackourey all rights in derivative works created using the copyrighted works.

32. On July 3, 2007, Graphic Fashions expressly assigned to Plaintiff in writing "the entire title, right, interest, ownership and all subsidiary and intellectual property rights in and to" all copyrights registered to Graphic Fashions, "including but not limited to copyrights and the right to secure registered copyrights therein and to any resulting registrations in Assignee's name as claimant, and the right to secure renewals, and extensions of any such copyright or copyright registrations in the United States of America or foreign country as well as all choses [sic] in action relating to the [Graphic Fashion's copyrights], claims for damages, profits, and costs, both in equity and law, for any infringement of the [Graphic Fashion's copyrights]." A copy of the Copyright Assignment is attached as Exhibit "L".

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



33. Using these drawings, and a few new illustrations, Ackourey published a 2005¹ and 2006² stylebook that each depicts a range of fashion clothing styles for men and women. Ackourey registered the 2005 and 2006 stylebooks as compilation copyrights on January 27, 2009, and January 30, 2009, respectively.

34. Plaintiff sells copies of the stylebooks to tailors and other tailored clothing businesses for their individual use in working face to face with customers. Prominent notices in the books prohibit any other use without express permission.

35. The first page of both the 2005 Stylebook and 2006 Stylebook prominently displayed the statement that:

The images found in the Styles International Stylebook may not be reproduced in any form or by any means - graphic, electronic, or mechanical, including photo copying or information storage and retrieval systems - without the expressed written consent and permission of the copyright holder.

36. The first page of the 2006 Stylebook also has a message from Plaintiff:

I encourage you to use this book to enhance your business, however, please do it legally . . . Any unlawful use or violation of the copyright laws for these illustrations will be prosecuted to the fullest extent of the law.

37. The margin of the left-hand page in each stylebook also carried a copyright notice, "© Copyright, Graphic Fashions Inc. Phila., PA".

38. Although the infringed images appeared in Plaintiff's copyrighted stylebooks, the images

¹ In 2005 Plaintiff prepared, published, and distributed the Graphic Styles International Stylebook, Best of Seasons through Spring and Summer 2005 ("2005 Stylebook"), containing 220 images of drawings for men's and women's fashion clothing styles: suits, jackets, trousers, vests, topcoats, tuxedos, pocket details, and measurements, many of which were selected from the earlier preexisting material, i.e., stylebooks Graphic Fashions had published and registered as compilations under the Copyright Act. Plaintiff registered the 2005 Stylebook as a compilation under copyright registration number TX 6-956-665. The copyright protections in the preexisting material are undisturbed and are herein independently enforced and damages independently pursued.

² In 2006 Plaintiff prepared, published, and distributed the Graphic Styles International Stylebook, Best of Seasons 2006 ("2006 Stylebook"), containing 367 images of drawings for men's and women's clothing designs: suits, jackets, trousers, vests, topcoats, tuxedos, pocket details, and measurements, selected from earlier stylebooks Graphic Fashions had published and registered as compilations under the Copyright Act. Plaintiff registered the 2006 Stylebook as a compilation under copyright registration number TX 6-956-762. The copyright protections in the preexisting material are undisturbed and are herein independently enforced and damages independently pursued.

are subject to re-use and redistribution in accordance with various licensing arrangements. Ackourey has licensed selected individual images for use in a promotional brochure by a clothing manufacturer. Plaintiff has established independent economic value for the images for licensing purposes.

39. Plaintiff sets fees at \$1,850.00 for an illustration and \$2,500.00 for a cover illustration for up to one year's use of single image. Renewal fees are set at \$600.00 for an illustration and \$825.00 per year for a cover illustration.

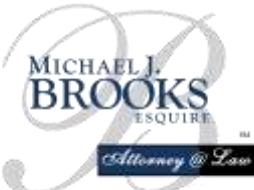
40. Southwick Clothing Corporation, contacted Ackourey to license drawings a Southwick representative had seen in the 2005 Style Book, at a tailor shop in Texas. The representative saw the book and called Ackourey to create a custom book. A custom book was crafted by Ackourey, utilizing 12 illustrations Southwick selected from the 2005 Stylebook. Approximately 350 units were sold to Southwick at approximately \$75 a unit. The custom book included the copyright disclaimer, "Copyright, Graphic Fashions, Inc. Phila., Pa." on each illustration and the inside contents page.

41. Additionally, another division of Southwick entered into a licensing agreement for four illustrations to produce 500 copies of a countertop brochure. Southwick paid six thousand dollars (\$6,000.00) for the licensing of the four illustrations.

42. On August 16, 2007, Ackourey formed Graphic Styles/Styles International LLC because of the stylebooks initial success in generating licensing agreements and the future potential.

43. Graphic Styles/Styles International LLC carries a substantial portion of its value in intellectual property and herein seeks to enforce its copyrights.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



44. Ackourey assigned the copyrights to Graphic Styles/Styles International. Ackourey's Graphic Styles/Styles International LLC carries a substantial portion of its value in intellectual property and herein seeks to enforce its copyrights. Exhibit "N".

DEFENDANTS' SERIAL INFRINGEMENT

45. In June of 2008 Defendants reproduced and displayed on their website they established and controlled, drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff. Exhibit "O".

46. On or about June 27, 2008, Plaintiff through counsel sent Defendants a cease-and-desist letter. Exhibit "P".

47. In July of 2008 Defendants reproduced and displayed on their website they established and controlled, drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, with the heads of the models removed, without any authorization or permission from Plaintiff. Exhibit Q.

48. On or about July 30, 2008, Plaintiff through counsel sent Defendants a cease-and-desist letter. Exhibit "R".

49. Upon information and belief, Defendants ceased their copyright infringement until at or about March 2013.

50. Defendants utilize the website <www.sabatinioflondon.com>, beginning in approximately March 2013 and continuing to the filing of this *Complaint* and beyond, to display images showing fashion styles that were copied from the Plaintiff's Stylebooks. Exhibit "M".

51. Defendants did not attribute the artistic drawings as belonging to Plaintiff but passed off the artistic drawings as original to Defendants.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



52. Defendants also placed unlawful copyright notices on webpages containing images copied from Plaintiff's copyrighted stylebooks.

53. Defendants' specific purpose in creating and transmitting the infringing web pages, was to use Plaintiff's copyrighted drawings to attract and secure purchasers for the specific fashion clothing styles shown in the images. Defendants' use of the copyrighted drawings to solicit sales and promote the business and reputation of the Defendants was a use of the copyrighted works that neither Plaintiff nor Graphic Fashions had permitted Defendants to make.

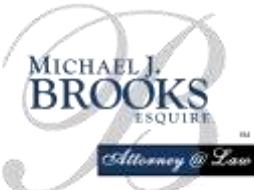
54. Defendant knew that the drawings taken from Plaintiff's 1993, 1997-98, 1998, 1998-99, 1999-00, 2005 and 2006 copyrighted stylebooks were protected by copyright, that they could not lawfully copy them without express permission from the copyright owner, and that the Defendants had never obtained authorization from the owner of the images, to use, copy, display, and transmit the images they had copied and displayed on the aforementioned website.

55. Accordingly, on June 24, 2016, Plaintiff filed a *Complaint for Copyright Infringement*, in the matter *Graphic Styles/Styles International LLC v. Sabatini of London Co. et al.* 2:16-cv-03485 (E.D. PA) naming as defendants Sabatini of London Co. and Eza El Dak Sabatini.

56. On October 27, 2016, this Court entered default judgment in favor of Graphic Styles/Styles International LLC and against Defendants, Sabatini of London Co. Incorporated and Eza El Dak Sabatini in the amount of \$109,154.25 for copyright infringement committed in violation of the Copyright Act. Exhibit "F".

57. The Court further Ordered Defendants are PERMANENTLY ENJOINED from infringing in any manner, the copyrighted images belonging to Plaintiff. Exhibit "F".

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13
Doylestown, Pennsylvania 18901
◊
(215) 230-3761



58. On January 19, 2017, the judgment in the matter *Graphic Styles/Styles International LLC v. Sabatini of London Co. et al.* 2:16-cv-03485 (E.D. PA) was transferred to the Fairfax Virginia Circuit Court. Ex "G".

59. On February 2, 2017, a copy of the transferred judgment was mailed to Eza El Dak Sabatini. Exhibit "H".

60. Upon information and belief, in the interim, on December 6, 2016, in order to evade the judgment and continue the infringement, Eza E. Sabatini formed a new entity, Sabatini of London LLC. Defendant **Sabatini of London LLC**, is a duly registered Virginia Limited Liability Company, formed December 6, 2016, with its principal place of business and registered office address of 1515 Greatfalls Street, Unit 334, McLean, Virginia 22101, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website <www.sabatinioflondon.com>³ and through fittings made on its business premises. Exhibit "B".

61. Defendant **Eza E. Sabatini** is the registered agent and organizer of Sabatini of London LLC. Exhibit "B". Upon information and belief, Defendant **Eza E. Sabatini** is an owner/member of Sabatini of London LLC, and does business as, operates, or otherwise controls Sabatini of London LLC. Eza El Dak Sabatini had the right and ability to direct or control the wrongful conduct and copyright infringement ("infringing activities") alleged in this *Complaint*, did in fact direct and control Defendants' infringing activities, and derived financial benefit from that wrongful conduct and copyright infringement.

62. Upon information and belief on or about December 6, 2016 until March 2019 Defendants were continuing their infringement of Plaintiff's copyrights having posted twenty-one (21)

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761

³ Exhibit B



drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff. Exhibit I

63. Upon information and belief, in the interim, Sabatini of London LLC stopped paying registration fees to the Virginia State Corporation Commission and on March 31, 2018, became inactive, but has not been dissolved.

64. As of March 7, 2019, Defendants were continuing their infringement of Plaintiff's copyrights having posted five (5) drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff. Exhibit "J".

65. Upon information and belief, on April 11, 2019, in order to evade the judgment and continue the infringement, Eza Sabatini formed a new entity, Sabatini Custom Tailor, LLC, a duly registered Virginia Limited Liability Company, with its principal office address where the records of the limited liability company are kept of 7118 Murray Lane, Annandale, Virginia 22003, is engaged in the business of selling custom tailored retail apparel for men and women, online at its website <www.sabatinioflondon.com> and through fittings made on its business premises. Exhibit "C".

66. Upon information and belief, on or about April 11, 2019, Defendant changed the address on their website from 1515 Great Falls Street, McLean Virginia to 7118 Murray Lane, Annandale Virginia.

67. Upon information and belief, from about April 11, 2019, until March 30, 2020, Defendants reproduced and displayed on their website they established and controlled, five (5) drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff. Exhibit "J".

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 133
Doylestown, Pennsylvania 18901
◊
(215) 230-3761



68. Upon information and belief, on March 30, 2020, in order to evade the judgment and continue the infringement, Defendants filed a *Certificate of Cancellation* for the entity Sabatini Custom Tailor, LLC. Exhibit "S".

69. Upon information and belief, on October 9, 2020, in order to evade the judgment and continue the infringement, Izak Sabatini and Suzi Sabatini formed a new entity, **Sabatini of London, LLC**. Exhibit "E".

70. Upon information and belief defendants at or about October 9, 2020, and continuing to the present day, Defendants reproduced and displayed on their website they established and controlled, drawings of men's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff. Exhibit K.

COUNT ONE
COPYRIGHT INFRINGEMENT - 17 U.S.C. § 501, ET SEQ.

71. Plaintiff incorporates the prior paragraphs by reference.

72. Plaintiff is the sole owner by recorded assignment of all registered copyrights covering stylebooks prepared, published, and distributed by Graphic Fashions, Inc., and all of the copyrighted images and visual representations displayed in those stylebooks.

73. Plaintiff is the sole owner of the registered copyrights covering the preexisting materials, the 1993, 1997-98, 1998, 1998-99, 1999-00, 2005, and 2006 Stylebooks, and all of the copyrighted images and visual representations displayed in those stylebooks.

74. Defendants' copying of images showing drawings of men's and women's fashion clothing styles from Plaintiffs' copyrighted stylebooks, and their display on a website to advertise, infringed each of the compilation copyrights that protect one or more of the 36 images.⁴

⁴ These 30 prior stylebooks were named and registered as follows: Designed for Winter 1961, Registration No. A451646; Fashions International Fall & Winter 1973-1974, Registration No. 440204; Fashions International 1974 Spring & Summer, Registration No. A488-310; Fashions International 1975 Spring & Summer, Registration No. A

75. Defendants acted with willful blindness to and in reckless disregard of Plaintiff's registered copyrights, including the several copyright notices accompanying the images, and the copyright notices displayed at the beginning of the stylebooks.

76. Defendants' unabashed theft of Plaintiff's copyrighted images; their purposeful display, transmission, and distribution of the copyrighted images on, <www.sabatinioflondon.com>, further show the willfulness of Defendants' copyright infringement.

77. In violation of this Court's Order of October 27, 2016, noting Defendants are PERMANENTLY ENJOINED from infringing in any manner, the copyrighted images belonging to Plaintiff, Defendants as serial copyright infringers continue to reproduce and display on their website they established and control, drawings of men's and women's fashion clothing styles copied directly from copyrighted stylebooks, without any authorization or permission from Plaintiff -the owner of all right, title, and interest in all copyrights covering the drawings and stylebooks- despite an express Order from this Court.

78. As a result of their wrongful conduct, Defendants are liable to Plaintiff for copyright infringement under 17 U.S.C. § 501.

591921; Fashions International Spring & Summer 1976, Registration No. A722732; Fashions International Fall-Winter 1977-1978, Registration No. A900783; Fashions International Fall-Winter 1978-1979, Registration No. TX0000054929; Fashions International Fall-Winter 1980-1981, Registration No. TX0000539997; Fashions International Fall-Winter 1981-1982, Registration No. TX0000731329; Fashions International Spring-Summer 1982, Registration No. TX0000821050; Fashions International Fall-Winter 1982-1983, Registration No. TX0001067384; Fashions International Spring-Summer 1984, Registration No. TX0001269970; Fashions International Fall-Winter 1984-1985, Registration No. TX0001378891; Fashions International Spring-Summer 1985, Registration No. TX0001501023; Fashions International Fall-Winter 1985-1986 Registration No. TX0001662171; Fashions International Spring-Summer 1986, Registration No. TX0001714805; Fashions International Fall-Winter 1986-1987, Registration No. TX0001838271; Fashions International Fall-Winter 1987-1988, Registration No. TX0002150566; Fashions International Spring-Summer 1988, Registration No. TX0002240703; Fashions International Fall and Winter 1988-1989, Registration No. TX2353266; Fashions International Spring and Summer 1989, Registration No. TX2509479; Fashions International Autumn-Winter 1989-1990, Registration No. TX0002611019; Fashions International Fall-Winter 1990-1991, Registration No. TX0002902726; Fashions International Spring-Summer 1991, Registration No. TX0003053310; Fashions International Spring-Summer 1992, Registration No. TX0003229071; Fashions International Spring-Summer 1993, Registration No. TX0003446818; Fashions International Fall-Winter 1997-1998, Registration No. TX0004621545; Distinctive Fashions 1998 Registration No. TX0005253538; Fashions International Fall-Winter 1998-1999, Registration No. TX0004831173; and Fashions International Styles for Seasons 1999-2000, Registration No. TX0005037124; Registration No. TX0005037124; Graphic Styles International Stylebook, Best of Seasons through Spring and Summer 2005 Registration No. TX 6-956-665; Graphic Styles International Stylebook, Best of Seasons 2006 Registration No. TX 6-956-762.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



79. Plaintiff is entitled to recover, under 17 U.S.C. § 504(b), actual damages for its established fees for individual illustrations of up to One Thousand, Eight Hundred and Fifty Dollars (\$1,850.00) and yearly renewal fees of up to Six Hundred Dollars (\$600.00) for copying and website publishing, and any of Defendants' profits that are attributable to Defendants' infringement.

80. In the alternative, Plaintiff claims statutory damages under 17 U.S.C. §504(c) for Defendants' unauthorized use and copyright infringement of up to 7 of Plaintiff's registered copyrighted works.

81. Defendants' infringement has been willful within the meaning of the Copyright Act, so the Court's award of actual or statutory damages should be enhanced in accordance with 17 U.S.C. § 504(c)(2).

82. Plaintiff is also entitled to recover its attorney fees and expenses incurred in suit, including its costs of investigation under 17 U.S.C. §505 and other equitable doctrines.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

- A. That the Court enter a judgment against Defendants that:
 - i. Defendants have willfully infringed Plaintiff's federally registered copyrights under 17 U.S.C. § 501.
 - ii. Defendants have otherwise injured the business reputation and business of Plaintiff by their acts and conduct set forth in this Complaint.
- B. Defendants shall pay Plaintiff's general, special, actual, and statutory damages, and disgorge profits attributable to Defendants' infringement, under 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages under 17 U.S.C. § 504(c)(2), for Defendants' willful infringement of Plaintiff's copyrights.
- C. Defendants shall pay Plaintiff for his costs incurred in prosecuting this action, Plaintiffs costs of investigating Defendants' willful infringement, and his reasonable attorney fees.

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13 ◊ Doylestown, Pennsylvania 18901
(215) 230-3761



- D. Defendants shall cease and desist immediately from all use, copying, reproducing, displaying or transmitting in any form, including electronically, any and all of Plaintiff's copyrighted works, drawings, and images.
- E. Plaintiff claims damages for the infringement of the 1993, 1997-98, 1998, 1998-99, 1999-00, 2005, and 2006 Stylebooks as compilations and independently for the copyright protections in the preexisting material.
- F. The Court shall grant Plaintiff such other and additional relief as is just and proper.

JURY DEMAND

PLAINTIFF hereby demands trial by jury on all issues triable to a jury.

DATED: December 15, 2021

LAW OFFICES

MICHAEL J. BROOKS, ESQUIRE

Attorney at Law

252 West Swamp Road, Suite 13

Doylestown, Pennsylvania 18901

(215) 230-3761

By:


Michael J. Brooks, Esquire
Attorney for Plaintiff
PA Supreme Court I.D. No. 74630

LAW OFFICES
MICHAEL J. BROOKS, ESQUIRE
Attorney at Law
252 West Swamp Road, Suite 13
◊
(215) 230-3761

